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AIKIN LAW WITHSTANDS TEST OF THE COURTS

Cincinnati Superior Court Holds that the Validity of the Law, Raising the Saloon Tax to \$1,000, Cannot be Attacked.

The Decision not Only Applies to the Aikin Law but Also Establishes Validity of All Other Laws Which Might be Attacked on the Grounds of Mental Condition of the Late Governor Pattison—Records in the Governor's Office are Complete and Cannot be Attacked.

Cincinnati, Jan. 3.—The Aikin law, which was passed at the latest session of the Ohio legislature, was declared valid in a decision handed down in the superior court here Wednesday. The case will be appealed to the supreme court of the state. The law raises the liquor tax from \$350 to \$1,000.

This was the most important case pending in the state of Ohio, for on the fate of this bill depended the contingency of the legislature being called in extra session to enact scores of bills, which were in the same situation as the Aikin law.

The main point depended on by the interests which desired to have the bill declared invalid, was a claim that the late Governor Pattison was not in a condition of health to know the contents of the bill when it was taken to the gubernatorial residence by Senator L. D. Houck, his private secretary, and that consequently, it did not come within that provision of the law, which says the state's

chief executive shall have full knowledge of every bill which is presented to him for executive action.

Members of the late Governor Pattison's family and his physicians were called to testify as to his physical and mental condition during the time when the Aikin bill was in possession of his secretary.

The decision is based on the doctrine that a legislative record, which appears to be properly verified, cannot be attacked by parol evidence. The court held:

"For obvious reasons of public policy, it is incumbent on one who attacks the validity of a law upon the ground that the proper steps were not taken in its passage, to show this by legislative record. Under the constitution, as amended, for participation of the governor necessary to give validity to laws enacted by the legislature is legislative function to the extent of bringing the official record of his action within the rule of omnia rite acta presumuntur (the

acts are presumed to be right) which applied with the strongest possible force to legislative records.

"The records here presented affirmatively show compliance with the constitution and the law passed pursuant thereto and imparts absolute verity. The burden of proof to show invalidity has not been sustained in this case and cannot be sustained by parol testimony."

After quoting from the supreme court decision that a statute can not be attacked by evidence, the superior court says in its decision:

"Not only do we regard these views as controlling, but they commend themselves to our judgment as based upon the soundest principles of reason and public necessity."

"It follows," continues the court, "that the objection to the introduction of the parol testimony offered by the plaintiffs must be declared as sustained and judgment rendered for defendant, dismissing the petition, and it is so ordered."

The case will be at once taken to the supreme court.

The plaintiff is Bernard Wrede, a saloonkeeper of Cincinnati, who sought to enjoin the collection of the increased tax. By consent of all concerned, this was regarded as a test case.

Depositions were taken by the plaintiff's counsel in an effort to show that Governor Pattison was in such a condition of health that the Aikin bill and the long list of bills which followed it to the residence of the governor were not submitted to him and that he could not have been aware of their contents, consequently not only was the bill directly concerned in this case a nullity, but that every law made since that bill was presented was void.

ACID AND IODOFORM THROWN ON THE BREAD

Chicago, Jan. 3.—Four men said to be members of the Bakers' union have been arrested on the charge of putting acid on hundreds of loaves of bread distributed among the Jewish residents of the West Side.

A strike is in progress at a local bakery, and it is claimed that strike sympathizers threw the acid, also iodoform, on wagon loads of bread and rolls after they had left the bakery. Police have confiscated many baskets of poisoned bread and are holding them for evidence. In the pockets of the four men arrested were found bottles of carbolic acid and packages of powdered iodoform.

EXPRESSES ADMIRATION FOR PRESIDENT ROOSEVELT

Washington, Jan. 3.—President Roosevelt has received a letter from the sultan of Morocco expressing gratitude for the appointment of Samuel R. Gummere as American minister to Morocco.

The sultan addresses the president as "The Beloved, the Most Cherished, the Most Gracious Friend, Most Honored and Excellent President of the Republic of the United States of America who is the pillar of its great influence and the director of its most important affairs, the most celebrated preserver of the ties of true friendship, the faithful friend, Theodore Roosevelt."

SENTENCE OF DEATH

Has Been Pronounced Upon 57,500 Persons by a New York Man

New York, Jan. 3.—Exactly 57,500 persons are under sentence of death in the United States. They are hourly awaiting their end which may come at any minute—which surely will come before the year is out. Every week over 1,100 persons will die by violence. It may be in a railroad wreck, an elevator accident, trolley car smash explosion, fire or any of the thousand and one terrible forms that death may assume but it is coming.

So said Rev. Josiah Strong, president of the American Institute of Social Service, yesterday in view of the disaster at Alta Vista, Kas., on the C. R. I. & P. railroad, in which more than fifty persons were killed. Strong who has made a special study of the matter, pays especial attention to the appalling list of casualties on American railroads. He said more persons had been killed on the railroads of America in one year than there were on both sides of the Boer war in three years.

ANOTHER RUSSIAN OFFICIAL KILLED.

St. Petersburg, Jan. 3.—Major General Vonderlaanitz perfect of police and the practical dictator in St. Petersburg, was shot and killed today, while driving through the city.

TWO MEN ARE KILLED NEAR STUBENVILLE

Stuebenville, O., Jan. 3.—John Taylorson, a miner, was killed by an electric current at the Ohio and Pennsylvania Coal company mine at Amsterdam today. Mike Rabitz was killed on the Lake Erie and Western railroad at Piney Fork last night.

THAT SALARY INCREASE.



"And it got by Uncle Joe like a greased pig."

DANGEROUS PRACTICE

James J. Hill Says too Little Regard is Paid to the Block Systems by Railroads.

Washington, Jan. 3.—Discussing the recent terrible wrecks, due to disregard of the regulations of the block system, a member of the cabinet told the following story today:

"In New York recently I met James J. Hill. He deplored the conditions resulting in so many disasters and said: Every time I undertake a railroad journey now I always wonder whether it is to be my last. It is a fact of knowledge to every railroad man in this day, that from two to three trains enter at times, into every block of every system in the country. There is danger in it."

INDICTMENTS SUSTAINED

Judge Landis Says Eight of the Bills Against Standard of Illinois Must Stand.

Chicago, Jan. 3.—Judge Landis, of the federal district court of Northern Illinois, today sustained eight of the indictments against the Standard Oil company of Illinois, and dismissed two.

The indictments charge the corporation with receiving concessions equivalent to rebates in the remission of storage charges. Attorneys for the defense in this section argued that the Elkins law, under which the indictments were returned were annulled by the new rate law. This contention was overruled by the decision.

The two indictments thrown out, did not negative the existence of a lower joint through rate than the one alleged. Trial of the case, upon the eight indictments which were sustained, will proceed at once.

POLES ON TRIAL FOR TREASONABLE CONSPIRACY

Berlin, Jan. 3.—Great interest is manifested in the hearing begun at Gassen, province of Posen today, of twenty-two prominent Poles, among them Baron Koscielsky and several other nobles on the charge of treasonable conspiracy, which grew out of the meeting to plan a Polish rebellion.

GIGANTIC SCANDAL IS BREWING IN PANAMA

Young Ohioan Employed on Canal Construction Says "Graft" is Omnipresent on the Isthmus and That it will Take a Billion and a Half of Dollars to Complete the Big Ditch.

Findlay, O., Jan. 3.—Oliver W. Sager, a Hancock county young man, who is employed as engineer in the construction of the Panama Canal writes home that "graft" is omnipresent on the isthmus and before the United States is through with building the "big ditch" the cost will be fully a billion and a half of dollars.

He declares that enormous amounts are expended for engines which are never used, but left exposed to the elements, which soon leave them fit for nothing but the junk pile. Sager predicts that as soon as outsiders who are not "in" on the graft, make an investigation the United States will be startled by one of the greatest scandals of recent years.

TO FOLLOW IN THE FOOTSTEPS OF CASSETT

New President of the Pennsylvania Says He will Make no Changes in Policy of Road, Since the One Which has Been Followed has Proven Very Successful.

Philadelphia, Jan. 2.—James McCrea, of Pittsburgh, first vice president of the Pennsylvania lines, west of Pittsburgh who was elected president of the Pennsylvania railroad, to succeed the late A. J. Cassatt, has authorized the following statement:

"The policy of the Pennsylvania railroad does not depend upon any one man. It continues unchanged from year to year. It will be my purpose to promote, as best I can, the same progressive development which was conducted so ably under President Cassatt and the presidents who preceded him."

The meeting of the board was a special one for the sole purpose of electing a successor to Mr. Cassatt. Mr. McCrea had been selected to fill the vacancy at an informal meeting of all the directors after the funeral of Mr. Cassatt on Monday. At that time it was decided to formally meet today and ratify the selection.

The first official act of the new president was an announcement late in the day that he would make any changes in the staff attached to the president's office.

The question of filling the vacancy created by the elevation of Mr. McCrea has been left to a committee of the members of the board, who will consult with Mr. McCrea as to his wishes in the matter. The two men most mentioned for Mr. McCrea's place as first vice president of the Pennsylvania lines are Joseph Wood, of Pittsburgh, second vice president of the western lines, and William W. Atterbury of Philadelphia, general manager of the Pennsylvania Railroad Co.

After his election was announced, McCrea remained in the office of the president for some time receiving the congratulations of the officers and higher employees of the great corporation. He will leave for Pittsburgh this afternoon to arrange personal affairs and matters of official business. His election to the presidency will necessitate his removal with his family to this city. President McCrea is a native of this city, and although he has been a resident of western Pennsylvania for many years, he has a wide circle of friends here, and is popular.

FINDS THE CAUSE BUT NOT THE CURE

Intestate Commerce Commission Makes Report to President Roosevelt of its Work of Investigation of Conditions Relative to the Coal Famine in North-West. Alleged Car Shortage Discussed at Length.

Washington, Jan. 23.—The cause, but not the cure for the coal shortage in the northwest and the consequent coal famine in North Dakota, have determined by the members of the interstate commerce commission participating in the recent hearings at Chicago and Minneapolis. Franklin K. Lane, who served as chairman of the investigating commission, has filed his report with the full commission and sent it to President Roosevelt, who ordered the inquiry. He finds:

"It is a fair inference from all the testimony that the real cause of the coal scarcity in North Dakota was such an abundance of westbound traffic at the head of the lakes that cars were not available in the congested state of that terminal for the carrying of coal to North Dakota—a comparatively short haul for a low class commodity."

In considering the evidence taken, Lane says that a plan for a proposed

car clearing house or a car pool between connecting lines is regarded with much favor. The details of such a plan have not been worked out. The most generally advocated remedy for the failure of carriers to furnish cars when demanded is known as the reciprocal car demurrage. This phrase means in a word that carriers shall be penalized upon failure to furnish cars demanded.

The need for additional legislation to reach the seat of trouble is shown by the conclusion of the report wherein it is said:

"If the interstate commerce commission is to be vested with power to make rules under which railroads shall be required upon penalty to furnish cars to shippers, this commission should also be empowered to make rules under which free interchange of cars shall be effected, or to require railroads engaging in interstate commerce to make such rules for their own protection and provide for their enforcement."

BABIES FROM ALL NATIONS TO BE EXHIBITED

Norfolk, Va., Jan. 3.—A cosmopolitan baby show, in which every nation will be represented, is the latest project of the Jamestown exposition managers. Every race, color and clime, from the Eskimo kid to the embryo Wild Man of Borneo will have representatives there and President Roosevelt will be asked to act as chief judge of the baby contest.

CONDITIONS OF NEXT FUTURITY RACES NAMED

Boston, Mass., Jan. 3.—The American Horse Breeders' Publishing company announces that the next American horse breeder futurity will be open to trotting and pacing mares bred in 1906, to be for purses of \$10,000; \$7,000 for 3 year old trotters and \$3,000 for pacers. Entrance fee, \$1.